

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHASE BANK USA., N.A.,

Movant,

v.

M. HARVEY REPHEN & ASSOCIATES,
P.C.,

Respondent.

1:19-mc-275-GHW

Electronically filed

[PROPOSED] JUDGMENT

Upon Movant's memorandum of law, the affidavit of Christina Guerola Sarchio and the supporting documents and papers attached thereto, and upon the Order of this Court on August 16, 2019 (the "Order"), ECF No. 38, holding Respondent M. Harvey Rephen & Associates, P.C. in civil contempt for failure to comply with the Court's July 15, 2019 order (ECF No. 23), it is:

ORDERED that judgment of contempt in the amount of \$254,841 is awarded to Movant Chase Bank U.S.A, N.A. ("Chase"), consisting of:

- a. Fees and costs totaling \$231,441 that Chase incurred in moving to compel Respondent's compliance with its discovery subpoena; and
- b. The total of \$23,400 in fines accrued between August 20, 2019 and October 17, 2019 as a result of Respondent's daily contempt.

ORDERED that the Clerk of this Court shall issue a Writ of Execution to Chase Bank USA, N.A., now known as JP Morgan Chase Bank, N.A., for any and all bank account(s) associated with Respondent and a Turnover Order because Respondent's funds are located within this jurisdiction in the United States, Federal Rule of Civil Procedure 69 and New York Civil Practice Law and

Rules § 5225(b) allow turnover where Movant shows that the judgment debtor has an interest in the property, Chase has demonstrated that it has an interest in Respondent's assets and also is in possession of certain of those assets, and that those assets are to be deposited into the account of either the Court or U.S. Marshals Service, to be disbursed to Movant once the judgment is deemed final, after appeals, if any, are exhausted.

ORDERED that pursuant to Local Rule 67.1 the Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System (CRIS") or any type of interest account that is utilized by the Court. These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held in the interest bearing account until further order of the Court. In accordance with 28 U.S.C. § 1914 and the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in the Fund a fee not exceed that authorized by the Judicial Conference of the United States.

ORDERED that Respondent shall provide to this Court no later than _____, an accounting of all assets and property,

ORDERED that to the extent the assets of Respondent are located outside the state of New York, Respondent shall promptly transfer such assets to this jurisdiction to satisfy the judgment outlined herein.

This Court also intends to submit a complaint to the Chief Judge, in accordance with Rule 1.5 of the Local Rules of the U.S. District Courts for the Southern and Eastern Districts of New York, for further investigation as to whether the attorneys Marcus Harvey Rephen and Edward B.

Geller acted in a manner unbecoming of a member of the bar.

DATED: New York, New York
 _____, 2019

Honorable Gregory H. Woods
United States District Judge